

**Notice of Allowability**

Application No.

09/916,606

Examiner

Kevin Schubert

Applicant(s)

KUO ET AL.

Art Unit

2137

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/3/05.
2. ☒ The allowed claim(s) is/are 1-2, 4, 10, 14-26, 28, 34, 38-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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***Examiner's Amendment***

Authorization for this examiner's amendment was given in a telephone interview with Kevin Zilka on 9/8/05. The examiner's amendment is made to claims 24, 50, and 52 to satisfy a 101 issue.

5           An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

10           In line 1 of the preamble of claims 24 and 52, the phrase ", stored on a computer-readable medium," should be inserted between "product" and "for".

          In the line 1 of the preamble of claim 50, the phrase ", including logic stored on a computer-readable medium," should be inserted between "system" and "for". Also, in line 2 of the  
15       preamble, the phrase "the logic" should be inserted before "comprising".

***Allowable Subject Matter***

          All claims have been deemed allowable over the prior art. More specifically, the independent claims (1, 24, and 50-52) which incorporate substantially the same matter have at  
20       least two limitations which the examiner finds patentable over the prior art. First, the limitation "wherein the opened share mode indicates a plurality of parameters that are randomly selected to  
**prevent detection of a virtuality of the parameters**". The examiner has found the reference Hutchison (U.S. Pat No. 6,457,022) which discusses random selection. Hence, simple random  
selection would not be patentable over the prior art. However, the examiner finds no support for  
25       the idea of randomly selecting parameters, such as file structure and name parameters, in order to prevent detection of a virtuality of the parameters. This limitation defines the invention such that the parameters designated for opened share mode are not intentionally designated. Rather

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the parameters are randomly selected, and the random selection is done for the specific cause of preventing detection of a virtuality of the parameters.

Second, the examiner finds no support for the limitation, "wherein the security process includes temporarily logging off the network, recording in a record information on any attempt to modify the computer including time and source information, logging the computer back on the network in a mode other than the actual opened share mode, transmitting the information to a third party, determining whether a trend is found indicative of a coordinated attack, and sending an alert and logging a culpable computer off the network based on the determination". The examiner notes that this claim limitation is repeated verbatim in independent claims 1, 24, and 50, and the other independent claims of 51 and 52 incorporate substantially the same concept though the presentation is slightly different. The examiner finds no support for the combination of these steps in order to accomplish the task of identifying a coordinated attack and logging a culpable computer off the network based on the analysis. Further, the examiner does not believe the limitations, if found in individual references, would be an obvious combination to one of ordinary skill in the art at the time the invention was filed. The examiner believes the plurality of steps function together as part of a unique, cohesive whole that is not found in the prior art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KS

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**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**